

SOUTH COAST WATER DISTRICT

<https://payments.scwd.org>

[Terms of Service below is accessed by clicking on link under Customer Service / Make a Payment / Enroll for Online Bill Pay or Make a One Time Payment]

TERMS OF SERVICE

South Coast Water District Online Bill Pay Terms of Service Agreement

IT IS IMPORTANT THAT YOU READ THIS:

By accessing or using the South Coast Water District Online Bill Pay website, you agree to be bound by all of the terms and conditions of this Agreement. We may modify this Agreement at any time, and you agree that such modifications will be effective immediately upon posting of the modified Agreement. You agree that by using our website after any such modifications, you will be deemed to have reviewed, agreed to and accepted the modified Agreement.

Online Bill Pay Service is provided to you to facilitate access to view and pay your South Coast Water District accounts online. The Online Bill Pay Service sends information about your account directly to your email address and allows you to pay online. This email will include a digital copy of your bill. InfoSend, a third-party vendor that specializes in bill processing and presentment, hosts the service.

The South Coast Water District will make every reasonable effort to ensure full performance of the Online Bill Pay Service and, on a timely basis work with you to resolve disputes that may arise. We do not assume responsibility for malfunctions in public communications facilities not under our control that may affect the accuracy or timeliness of email messages you receive.

Any information sent by us to you via email is believed to be reliable. However, this information can only be provided on a best-efforts basis for your convenience and is not guaranteed. We will not be liable for any deficiencies in the accuracy, completeness, availability, or timeliness of such information or for any decision made using this information.

In addition, please take note of the following guidelines, which will assist you in detecting certain types of Internet and email fraud (i.e. "phishing").

- The South Coast Water District will never send you an e-mail requesting you to validate personal information.
- The South Coast Water District will never ask you to update your social security number, date of birth, or driver's license number via e-mail.
- Once you have enrolled in Online Bill Pay, you can update your personal information by logging into your account.

The South Coast Water District does not make any warranties concerning the Online Bill Pay service including, without limitation, any warranties of merchantability, fitness for a particular purpose or non-infringement of third-party proprietary rights unless disclaiming such warranties is prohibited by law. The South Coast Water District makes no warranties other than those expressly set forth in this agreement. The South Coast Water District will not be liable for any damages of any kind arising from the use of this site, including, but not limited to, direct, indirect, incidental, consequential, and punitive damages. You expressly agree that your use of this site is at your sole risk.

Privacy of Information

The South Coast Water District is committed to protecting your privacy. You acknowledge that we and our vendor may receive certain private and confidential information in connection with your use of Online Bill Pay. We may utilize your name, mailing address and changes thereto. We will not rent, sell or otherwise make available to any third party for any reason any of your private and confidential information that personally identified you, your Credit Card or payments you make through the Online Bill Pay, other than to provide Online

Bill Pay or comply with applicable laws or regulations, including government agency or court orders, unless you otherwise expressly agree.

You agree that you will not intentionally provide false information when accessing or using our Online Bill Pay services. You also agree that you will not falsify, forge, or otherwise tamper with any information in the emails you receive as part of the Online Bill Pay service.

The Online Bill Pay website has security measures in place to protect against the loss, misuse, or alteration of the information you provide. Our Online Payment server software conforms to industry standards utilizing Secure Sockets Layer (SSL) technology, which is among the best software available for securing commerce transactions.

Credit Card

To use Online Bill Pay, you must designate an eligible deposit or other asset account accessible by a credit card or debit card ("Credit Card") at a bank or other eligible financial institution (your "Financial Institution") from which payments will be made using Online Bill Pay. You agree that, by scheduling automatic payments or a single payment, you authorize the South Coast Water District to initiate debit entries to your Credit Card in such amount(s), and to initiate any debit or credit entries to your Credit Card necessary to correct any error in a payment. You also must authorize your Financial Institution to debit or credit your Credit Card in the amount of such payments or corrections. You represent that you have all necessary right, power, and authority to authorize each such payment, and that you will take such steps as your Financial Institution requires to make such authorization. This authorization shall remain in full force and effect until we have received notice from you of your termination of such authorization in such time and in such manner as to afford the South Coast Water District and your Financial Institution reasonable opportunity to act on it.

Payment Amount Limitations

The amount of funds you may use is limited by the amount of available funds you have on your Credit Card, including any available overdraft protection you may have with your Financial Institution. You agree to maintain sufficient funds on your Credit Card to satisfy your bill payments and that the South Coast Water District will have no obligation to complete a transaction if sufficient funds are not available. Your access to your Credit Card also may be limited by your agreement(s) with your Financial Institution governing the Credit Card and by applicable law and regulations.

Payment Processing

Online Bill Pay is designed to be available seven days a week, 24 hours a day. However, we will update account balances and activity information daily, Monday through Friday, excluding holidays. In addition, we will not be liable for any inability to access Online Bill Pay, or for any failure to update any information, for whatever reason. Bank account payments received before 3:00PM and credit card payments received before 12AM Monday through Friday, will be credited your account the next business day. Bank account payments received after 3:00PM and credit card payments received after 12AM Monday through Friday, or on weekends and holidays, will be credited to your account in 2 business days. You are solely responsible for making payments prior to the due date, and you are solely responsible for any late fees charged or action taken by the South Coast Water District for payments not timely made. Late fees for payments made using Online Bill Pay are the same as the late fees charged for mailed payments.

Fees

The South Coast Water District does not charge you any fees for using Online Bill Pay. However, your Financial Institution may charge you fees related to your Credit Card, including transaction fees or fees for attempting transfers without sufficient funds. If a transaction is not honored by your bank a fee may be charged to your account.

Unauthorized Transfers

If you believe that someone has improperly accessed your Credit Card through Online Bill Pay without your permission, contact the South Coast Water District immediately. You should also immediately contact your Financial Institution. Please be aware that you are solely responsible for any unauthorized transfers, although your Financial Institution may provide some form of fraud protection.

Termination of Online Bill Pay

You may choose to cancel Online Bill Pay at any time with no fee. If you wish to discontinue Online Bill Pay or discontinue automatic payments while still using Online Bill Pay to pay individual bills, you may cancel by sending a cancellation notice to the address shown below under "Notices." Your termination will be effective no more than 30 days after we receive your request.

The South Coast Water District may suspend or terminate your access to Online Bill Pay at any time, without notice and for any reason. We will attempt to provide you with prior notice of suspension or termination by sending notice of termination. However, the South Coast Water District will not be liable for any failure to do so. Neither termination nor discontinuation of Online Bill Pay shall affect your liability for transactions initiated through Online Bill Pay using your password.

Notices to South Coast Water District

Please submit all correspondence via the Customer Service link of Online Bill Pay. You may also contact us at the following address or phone number:

South Coast Water District
31592 West Street
Laguna Beach, CA 92651

Phone: (949) 342-1140
custserv@scwd.org

Amendments

The terms of the Agreement may be modified or amended by the South Coast Water District from time to time. In such event, we will provide notice to you in accordance with applicable law, which may be accomplished by posting such change on our BillPay website. Any use of Online Bill Pay after we provide you with a notice of change will constitute your agreement to such change(s).

Assignment

You may not assign this Agreement to any other party.

Governing Law/Venue/Tort Claims Act

This Agreement shall be governed by the law of the State of California without regard to its conflicts of laws provisions and any action or lawsuit related to this Agreement will be adjudicated in a court of competent jurisdiction in the County of San Bernardino. Prior to filing any action or lawsuit related in any way to this Agreement, you must comply with the provisions of the Tort Claims Act (Government Code Section 900 et seq.).

Use of Electronic Communication

By accepting below or otherwise using Online Bill Pay, you also agree that any and all disclosures and communications regarding Online Bill Pay between you and the South Coast Water District, including this Agreement, may be made electronically, including by the South Coast Water District posting to its website in accordance with applicable law. Any electronic disclosure or communication the South Coast Water District makes will be considered made when transmitted by the South Coast Water District.

Refund Policy

Payments made in excess of the total bill amount will show as a credit on the customer's next bill. Questions concerning refunds of erroneous payments may be addressed in writing to the South Coast Water District Customer Service Department. If approved, the refund will be made in the form of a check made payable to the name on your account. The refund process may take up to 60 days.

Our Credit Card Data Responsibility

We are responsible for the merchant cardholder data that our system stores or transmits on behalf of the customer and will maintain compliance with all applicable PCI DSS requirements. Customers are requested to notify us in the event that they experience issues that may affect the security, availability or privacy of the services they are utilizing.

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